

*I hereby certify that on November 15, 2010, this correspondence is being submitted to the Patent and Trademark Office via the Office Electronic Filing System in accordance with 37 C.F.R. §1.6(a)(4), addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.*

*Marilyn R. Khorsandi Nov. 15, 2010*  
Marilyn R. Khorsandi

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant	:	Paul Bilibin, et al.
Patent No.	:	7,818,267
Application No.	:	09/685,077
Filed	:	October 6, 2000
Title	:	APPARATUS, SYSTEMS AND METHODS FOR ONLINE, MULTI-CARRIER, MULTI-SERVICE PARCEL SHIPPING MANAGEMENT DETERMINATION OF RATABLE WEIGHT FOR MULTIPLE CARRIERS
Grp./Div.	:	3629
Examiner	:	Plucinski, Jamisue A.
Docket No.	:	PSTM0020/MRK

**APPLICATION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT  
INDICATED IN PATENT  
UNDER 37 C.F.R. §1.705(d)**

Commissioner for Patents (Filed Electronically)  
P.O. Box 1450  
Alexandria, VA 22313-1450

140 S Lake Ave, Ste 312  
Pasadena, CA 91101-4710  
November 15, 2010

Commissioner:

In issuing the above-identified Patent, the Patent Office granted a Patent Term Adjustment of 2344 days.

This is an Application for Reconsideration of Patent Term Adjustment ("PTA") for the above-identified Patent (the "Patent") to correct errors to **reduce** the Patent Term Adjustment from **2344 days** to **2321 days**. Reasons for the corrective reduction are given in the concurrently-filed Statement of the Correct Patent Term Adjustment In Support of Application for Reconsideration of Patent Term Adjustment Indicated in Patent Under 37 C.F.R. §1.705(d).

The Patent issued on October 19, 2010 and indicated a PTA of 2344 days. According to 37 C.F.R. §1.705(d), the October 19, 2010 issue date set a two month time frame, namely, until the expiration of December 19, 2010 (a Sunday), by which to file a request for reconsideration of the PTA indicated in the Patent. It is respectfully submitted that this Application is timely filed because it is filed before the expiration of December 20, 2010, the first business day following December 19, 2010.

As required by 37 C.F.R. §1.705(b)(1), the fee set forth in 37 C.F.R. §1.18(e) is enclosed herewith. The Commissioner is hereby authorized to charge any underpayment of

APPLICATION FOR RECONSIDERATION OF  
PATENT TERM ADJUSTMENT  
Patent No. **7,818,267**

fees, or credit any overpayment of fees, to Deposit Account No. 501574. Please show our docket number (PSTM0020/MRK) with any charge or credit to our Deposit Account.

With respect to the requirement set forth in 37 C.F.R. §1.705(b)(2)(iii), it is respectfully submitted that no Terminal Disclaimer was filed for the present application. It is respectfully submitted that the present application was named as a pending second application in Terminal Disclaimers filed for other applications, including U.S. Application Nos. 09/684,010, 09/684,869 and 09/684,866.

Respectfully submitted,  
KHORSANDI PATENT LAW GROUP,  
A LAW CORPORATION

Nov. 15, 2010

Date

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Marilyn R. Khorsandi

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Paul Bilibin, et al.  
Patent No. : 7,818,267  
Application No. : 09/685,077  
Filed : October 6, 2000  
Title : APPARATUS, SYSTEMS AND METHODS FOR ONLINE, MULTI-CARRIER, MULTI-SERVICE PARCEL SHIPPING MANAGEMENT DETERMINATION OF RATABLE WEIGHT FOR MULTIPLE CARRIERS  
Grp./Div. : 3629  
Examiner : Plucinski, Jamisue A.  
Docket No. : PSTM0020/MRK

**STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT  
IN SUPPORT OF APPLICATION FOR RECONSIDERATION OF PATENT TERM  
ADJUSTMENT INDICATED IN PATENT  
UNDER 37 C.F.R. §1.705(d)**

Commissioner for Patents (Filed Electronically)  
P.O. Box 1450  
Alexandria, VA 22313-1450

140 S. Lake Ave., Suite 312  
Pasadena, CA 91101  
November 15, 2010

Commissioner:

This Statement of the Correct Patent Term Adjustment ("PTA") is filed in support of a concurrently-filed Application for Reconsideration of Patent Term Adjustment.

The above-identified Patent issued on October 19, 2010, indicating a PTA of 2344 days. However, for the reasons given further below, it is respectfully asserted that the PTA determination of 2344 days is incorrect, and that the correct PTA is 2321 days. In particular, it is respectfully asserted that the determination of 2344 days is in error, due to a failure in the PAIR system Patent Term Adjustment History to provide the following Patent Term Adjustment events and/or considerations under 37 C.F.R. §§ 1.703 and 1.704, as follows:

**1. PAIR FAILED TO CALCULATE A PTA DEBIT OF TWENTY-THREE (23) DAYS  
CORRESPONDING TO A DELAY IN FILING A RESPONSE TO A NOTICE OF MISSING PARTS.**

A copy of a printout of the PAIR system Patent Term Adjustment History for the Application is attached hereto as Exhibit A. A copy of a printout of the PAIR system Image File Wrapper for the Application is attached hereto as Exhibit B.

It is respectfully submitted that the PAIR system failed to associate a Notice of Missing Parts and a corresponding Response to Notice of Missing Parts, and therefore failed to calculate a period of time under 37 C.F.R. §1.704(b), as follows:

a.) the PAIR system did not identify as a Notice of Missing Parts, the PAIR system Patent Term Adjustment entry No. 4, dated 12-13-2000, entitled "Notice Mailed--Application Incomplete--Filing Date Assigned" (see Exhibit A hereto; see also, Exhibit B hereto – PAIR System Image File Wrapper entry dated 12-13-2000, entitled "Pre-Exam Formalities Notice");

b.) there is no entry in the PAIR system Patent Term Adjustment History (see Exhibit A hereto) of a Response to Notice of Missing Parts, designated in the PAIR System Image File Wrapper (see Exhibit B hereto) for the Application as an entry dated "04-05-2001," entitled "Applicant Response to Pre-Exam Formalities Notice"; and

c.) the PAIR system Patent Term Adjustment History fails to associate the April 5, 2001-dated entry for Applicant's Response to Notice of Missing Parts with the Notice of Missing Parts, dated 12-13-2000.

According to 37 C.F.R. §1.704(b), it is respectfully asserted that period of adjustment credits should be reduced for the period of time "in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, . . . beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication . . . and ending on the date the reply is filed." 37 C.F.R. §1.704(b). For the present case, it is respectfully asserted that period of adjustment credits should be reduced, according to 37 C.F.R. §1.704(b), by twenty-three (23) days, wherein the 23 days began on March 14, 2001 (the day after the March 13, 2001 date that is three months after the December 13, 2000 mailing date of the Notice of Missing Parts), and ended on April 5, 2001 (the date noted in the PAIR system as the receipt date of the Response to the Notice of Missing Parts).

Accordingly, for the above given reasons, it is therefore respectfully asserted that the determination of 2344 days is in error, and that period of adjustment credits should be further

STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT  
Patent No. **7,818,267**

reduced by an additional twenty-three (23) non-overlapping days under 37 C.F.R. §1.704(b), resulting in the correct Patent Term Adjustment of 2321 days.

**PATENT NOT SUBJECT TO TERMINAL DISCLAIMER.**

With respect to the requirement set forth in 37 C.F.R. §1.705(b)(2)(iii), it is respectfully submitted that no Terminal Disclaimer was filed for the present application. It is respectfully submitted that the present application was named as a pending second application in Terminal Disclaimers filed for other applications, including U.S. Application Nos. 09/684,010, 09/684,869 and 09/684,866.

Respectfully submitted,  
KHORSANDI PATENT LAW GROUP,  
A LAW CORPORATION

Nov. 15, 2010  
Date

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## **EXHIBIT A**



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**Patent Term Adjustment**

Filing or 371(c) Date: 10-06-2000 Overlapping Days Between {A and B} or {A and C}: 172

Issue Date of Patent: 10-19-2010 Non-Overlapping USPTO Delays: 2498

A Delays: 841 PTO Manual Adjustments: 0

B Delays: 512 Applicant Delays: 154

C Delays: 1317 Total PTA Adjustments: 2344

**Patent Term Adjustment History****Explanation Of Calculations**

Number	Date	Contents Description	PTO(Days)	APPL(Days)	Start
117.5	03-01-2005	PTA 36 Months	512		0

117 10-19-2010 Patent Issue Date Used in PTA Calculation

116 09-23-2010 Export to Final Data Capture

115 09-22-2010 Dispatch to FDC

114 09-20-2010 Application Is Considered Ready for Issue

113 09-20-2010 Mail Miscellaneous Communication to Applicant

112 09-17-2010 Miscellaneous Communication to Applicant - No Action Count

111 08-24-2010 Pubs Case Remand to TC

110 08-19-2010 Issue Fee Payment Verified

109 08-19-2010 Issue Fee Payment Received

108 07-02-2010 Finished Initial Data Capture

107 05-24-2010 Export to Initial Data Capture

105 05-19-2010 Mail Notice of Allowance

104 05-18-2010 Issue Revision Completed

103 05-18-2010 Document Verification

102 05-18-2010 Notice of Allowance Data Verification Completed

101 05-18-2010 Examiner's Amendment Communication

100 05-17-2010 Notice of Allowability

97 01-21-2010 Mail BPAI Decision on Appeal - Affirmed in Part

96 01-21-2010 BPAI Decision - Examiner Affirmed in Part

95	07-01-2009	Docketing Notice Mailed to Appellant	0
94	07-01-2009	Assignment of Appeal Number	0
93	06-29-2009	Appeal Awaiting BPAI Docketing	0
92	06-24-2009	TC completion of return order	0
91	06-17-2009	Mail Miscellaneous Communication to Applicant	0
90	06-16-2009	Miscellaneous Communication to Applicant - No Action Count	0
89	05-07-2009	Order Returning Undocketed Appeal to the Examiner	0
88	04-30-2009	Appeal Awaiting BPAI Docketing	0
87	04-22-2009	Mail Reply Brief Noted by Examiner	0
86	04-21-2009	Reply Brief Noted by Examiner	0
85	02-20-2009	Date Forwarded to Examiner	0
84	02-06-2009	Reply Brief Filed	0
83	01-13-2009	Exam. Ans. Review Complete	0
82	12-09-2008	Mail Supplemental Examiner's Answer	0
81	12-08-2008	2nd or Subsequent Examiner's Answer to Appeal Brief	0
80	12-03-2008	Administrator Remand to the Examiner by BPAI	0
79	09-02-2008	Docketing Notice Mailed to Appellant	0
78	09-02-2008	Assignment of Appeal Number	0
76	07-29-2008	Appeal Awaiting BPAI Docketing	0
75	10-30-2007	Mail Reply Brief Noted by Examiner	0
74	10-25-2007	Reply Brief Noted by Examiner	0
73	02-14-2007	Return of Undocketed appeal to the TC	0
72	02-14-2007	Date Forwarded to Examiner	0
71	02-07-2007	Reply Brief Filed	0
70	02-14-2007	Exam. Ans. Review Complete	0
69	02-14-2007	Appeal Brief Review Complete	0
68	12-14-2006	Mail Examiner's Answer	60
67	12-11-2006	Examiner's Answer to Appeal Brief	0
66	10-09-2006	Date Forwarded to Examiner	0
65	09-21-2006	Appeal Brief Filed	0
64	09-21-2006	Request for Extension of Time - Granted	0
63	07-21-2006	Mail Appeals conf. Proceed to BPAI	0
62	07-18-2006	Pre-Appeals Conference Decision - Proceed to BPAI	0
61	06-15-2006	Request for Pre-Appeal Conference Filed	0
60	06-15-2006	Notice of Appeal Filed	2
59	04-13-2006	Correspondence Address Change	58
58	03-13-2006	Mail Final Rejection (PTOL - 326)	0
57	03-06-2006	Final Rejection	0



56	12-19-2005	Information Disclosure Statement considered	0
55	08-24-2005	Information Disclosure Statement considered	0
53	12-19-2005	Reference capture on IDS	0
52.7	12-19-2005	Information Disclosure Statement (IDS) Filed	0
52	12-19-2005	Information Disclosure Statement (IDS) Filed	50
51	12-23-2005	Date Forwarded to Examiner	0
50	12-19-2005	Response to Election / Restriction Filed	0
49	11-17-2005	Mail Restriction Requirement	0
48	11-14-2005	Requirement for Restriction / Election	0
47	08-24-2005	Reference capture on IDS	0
46.7	08-24-2005	Information Disclosure Statement (IDS) Filed	0
46	08-24-2005	Information Disclosure Statement (IDS) Filed	44
45	09-02-2005	Date Forwarded to Examiner	0
44	08-24-2005	Response after Non-Final Action	0
43	05-20-2005	Mail Non-Final Rejection	4
42	05-16-2005	Non-Final Rejection	43
41.7	11-03-2004	Electronic Information Disclosure Statement	0
41	11-03-2004	Information Disclosure Statement (IDS) Filed	0
40	03-10-2005	IFW TSS Processing by Tech Center Complete	0
39	03-10-2005	Date Forwarded to Examiner	0
38	03-02-2005	Amendment Submitted/Entered with Filing of CPA/RCE	0
37	03-10-2005	Date Forwarded to Examiner	0
36	03-02-2005	Request for Continued Examination (RCE)	2
35	03-10-2005	Disposal for a RCE / CPA / R129	25
34	03-02-2005	Reference capture on IDS	0
33.7	03-02-2005	Information Disclosure Statement (IDS) Filed	0
33	03-02-2005	Information Disclosure Statement (IDS) Filed	0
32	03-02-2005	Request for Foreign Priority (Priority Papers May Be Included)	0
31	03-02-2005	Miscellaneous Incoming Letter	0
30	11-19-2004	Reference capture on IDS	0
29	11-19-2004	Miscellaneous Incoming Letter	0
28	08-22-2001	Miscellaneous Incoming Letter	0
27	03-02-2005	Workflow - Request for RCE - Begin	0
26.7	11-19-2004	Information Disclosure Statement (IDS) Filed	81
26	11-19-2004	Information Disclosure Statement (IDS) Filed	22
25	11-29-2004	Mail Final Rejection (PTOL - 326)	0
24	11-24-2004	Final Rejection	0
23	09-25-2004	Date Forwarded to Examiner	0

22	08-30-2004	Response after Non-Final Action		65	19
21	08-30-2004	Request for Extension of Time - Granted			0
20	08-30-2004	Workflow Incoming amendment IFW			0
19	03-26-2004	Mail Non-Final Rejection	841		-1
18	03-18-2004	Non-Final Rejection			0
17	01-14-2004	Case Docketed to Examiner in GAU			0
16	03-25-2003	Case Docketed to Examiner in GAU			0
15	01-02-2003	Case Docketed to Examiner in GAU			0
14	04-23-2002	Case Docketed to Examiner in GAU			0
13.7	12-10-2001	Information Disclosure Statement (IDS) Filed			0
13	12-10-2001	Information Disclosure Statement (IDS) Filed			0
12	12-06-2001	Case Docketed to Examiner in GAU			0
11	12-06-2001	Case Docketed to Examiner in GAU			0
10.7	08-22-2001	Information Disclosure Statement (IDS) Filed			0
10	08-22-2001	Information Disclosure Statement (IDS) Filed			0
8.7	08-09-2001	Information Disclosure Statement (IDS) Filed			0
8	08-09-2001	Information Disclosure Statement (IDS) Filed			0
7	05-06-2001	Case Docketed to Examiner in GAU			0
6	04-18-2001	Application Dispatched from OIPE			0
5	04-11-2001	Application Is Now Complete			0
4	12-13-2000	Notice Mailed---Application Incomplete--Filing Date Assigned			0
3	12-13-2000	Correspondence Address Change			0
2	11-25-2000	IFW Scan & PACR Auto Security Review			0
1	10-06-2000	Initial Exam Team nn			0

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### Available Documents

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09-29-2010	ISSUE NTF	Issue Notification	PROSECUTION	1
09-20-2010	M327	Miscellaneous Communication to Applicant - No Action Count	PROSECUTION	2
09-20-2010	1449	List of References cited by applicant and considered by examiner	PROSECUTION	1
08-19-2010	IFEE	Issue Fee Payment (PTO-85B)	PROSECUTION	1
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05-19-2010	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
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06-17-2009	1449	List of References cited by applicant and considered by examiner	PROSECUTION	2
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12-19-2005	NPL	<u>NPL Documents</u>	PRIOR ART		9
12-19-2005	NPL	<u>NPL Documents</u>	PRIOR ART		13
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08-24-2005	LET.	<u>Miscellaneous Incoming Letter</u>	PROSECUTION		1
08-24-2005	IDS	<u>Information Disclosure Statement (IDS) Filed (5B/08)</u>	PROSECUTION		5
08-24-2005	NPL	<u>NPL Documents</u>	PRIOR ART		4
08-24-2005	NPL	<u>NPL Documents</u>	PRIOR ART		9
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05-20-2005	CTNF	<u>Non-Final Rejection</u>	PROSECUTION		7
05-20-2005	1449	<u>List of References cited by applicant and considered by examiner</u>	PRIOR ART		2
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03-02-2005	LET.	<u>Miscellaneous Incoming Letter</u>	PROSECUTION	1	
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11-29-2004	SRFW	<u>Search information including classification, databases and other search related notes</u>	PROSECUTION	1	
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08-30-2004	CLM	<u>Claims</u>	PROSECUTION	26	<input type="checkbox"/>
08-30-2004	REM	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	13	<input type="checkbox"/>
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08-30-2004	WCLM	<u>Claims Worksheet (PTO-2022)</u>	PROSECUTION	1	<input checked="" type="checkbox"/>
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03-17-2004	SRNT	<u>Examiner's search strategy and results</u>	PROSECUTION	2	<input type="checkbox"/>
01-02-2002	IDS	<u>Information Disclosure Statement (IDS) Filed (SB/Q8)</u>	PROSECUTION	5	<input type="checkbox"/>
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